



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: July 18, 2013
Applicant: Elizabeth Ahn for Pride Martial Arts
Case No.: PCC-13-009
Address: 851 Showroom Place, Ste. 103 (Eastlake Design Center)
Project Planner: Scott Donaghe

Notice is hereby given that on July 18, 2013, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-13-009, filed by Elizabeth Ahn ("Applicant"). The Applicant requests a CUP to establish a martial art recreational facility within an existing building ("Project"). The Project is located in the Eastlake Business Design Center, 851 Showroom Place, Suite 103 ("Project Site") owned by Michael A. Vogt, Eastlake Design District LLC ("Property Owner"). The Project Site is land use designated Visitor Commercial (VC-5) in the Eastlake Sectional Planning Area (SPA) Plan for the Eastlake Design Center, and Commercial Retail in the General Plan.

Planning Staff has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was adequately covered in the previously adopted EIR for the Eastlake Business Center II (SPA) Plan. No further environmental review or documentation is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code and the Otay Ranch SPA plan, has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed martial art recreational facility will provide necessary and desirable recreational services for the community at this location. The proposed use will provide a type of facility for this area where no other similar facility is available. Thus, this facility and the services it provides will contribute to the general well-being of the neighborhood and the community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents or workers nor to property or improvements in the area. The characteristics of the proposed use and its operation do not have features that could have detrimental effects. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The proposed use will be located completely within a business center suite and utilize ample parking available in the on-site parking lot. Noise from recreational activities or events at the Eastlake Design Center is mitigated by the distance and buffering from residential uses.

3. That the use will comply with the regulations and conditions specified in the code for such use.

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-13-009.

4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.

The General Plan and Eastlake General Development Plan designate the site as Business Center and Retail Commercial. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Eastlake II Business Center Sectional Planning Area (SPA) Plan, is consistent with the Visitor Commercial (VC-5) conditional land uses. Thus, the proposed project is consistent with the General Plan Commercial Retail land use designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-009 as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

Planning Division

2. Comply with the Eastlake Design District Parking Requirement & Availability Table updated April 29, 2013 assigning 44 parking spaces for the Pride Martial Arts at 851 Showroom Place, Building "A," Suite 103.
3. Obtain a separate sign permit and a building permit for the proposed signage and other applicable accessory structures.
4. Any future special events that require the installation of temporary flags, balloons, signs, etc. shall be permitted through a Special Event Permit that allows for these items to be installed for up to 14 days in a calendar year.

Fire Department

5. Provide one fire extinguisher inside the suite, and maintain the existing fire hydrant and fire lane width of 20-ft. in the front and rear parking areas.

Building Division

6. Applicant shall submit and obtain all necessary building plans for approval to the City of Chula Vista Building Division.

Engineering Division

7. The applicant is advised that there may be requirements set at the time development takes place and/or a building permit is applied for, depending upon final plans submitted for building permits.

Conservation and Recycling Division

8. Recycling needs to be available to the patrons to ensure that bottles and cans are recycled per CVMC 8.25 and the Recycling and Solid Waste Planning Manual

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-13-009, approved on July 18, 2013, which include a site plan and floor plans on file in the Development Services Department, the conditions contained herein, and Title 19.
2. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
3. The Applicant shall execute this Conditional Use Permit as the only authorized use. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
5. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.

6. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 18th day of July 2013.

Mary Ladiana
Zoning Administrator